



WEB COPY

WP No. 29323 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 29323 of 2026

AND

WMP NO. 32215 OF 2026

V.Padmavathi
W/O.K.Veeramani
Krishnapuram
Dadavalli village
Tirupattur Taluk
Tirupattur District

..Petitioner(s)

Vs

1. The District collector
office of the District collector
Tirupattur District
2. The Tahsildar
office of the Thasildhar
Tiruppattur Taluk
Tirupattur District
3. The Block Development officer
Tirupattur Taluk
Tirupattur District
4. The Secretary
office of the Grahma Panchayat
Mandalvadi village
Jollarpet
Tirupattur District
5. The Village Administrative officer
office of the V.O.
Madalavadi village
Tiruppattur Taluk



Tirupatttur District

6. P.Kaliyappan alias Jeyachandran
S/o.Periyathambi
Moorthiyur
Mandalvadi village
Tiruppur Taluk
Tirupattur District

7. Panneerselvam alias subramani
S/o.Periyathambi
Moorthiyur
Mandalvadi village
Tirupattur Taluk
Tirupattur District

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents No.1 to consider the petitioners representation dated 23.1.2026 and also petitioner made a representation to the respondents 1 to 5 under RTI Act 2005 dated 5.2.2026 for to remove the illegal constructions made on the land by the respondents No.6 and 7 over the undivided family share of the properties comprised in survey Nos.35/2A4, 36/1A, 37/2B, 36/1C, 202/1, 202/4,209/1B, 202/4E, 37/1A, 35/2A1, 202/2C, 202/4J, 203/2, 209/1C, 37/2C, measuring to an extent of 11 acres, the subject matter of the said property O.S.No.66 of 2023 for partition is pending before the principal District court at Tirupattur and pass

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For Petitioner(s): V.Nithyanandam
M.Sridevi

For Respondent(s): Mr.B.Sivakollapan, GA for RR1 to 5.



Order

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(Order of the Court was made by Dr.G.Jayachandran J.)

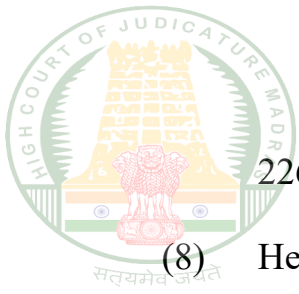
- (1) Mr.Mr.B.Sivakollapan, learned Government Advocate accepts notice on behalf of the respondents 1 to 5.
- (2) Since no adverse order is passed against the respondents 6 and 7, notice to the respondents 6 and 7 is dispensed with.
- (3) By consent of the learned counsels on either side, the main writ petition is taken up for final disposal at the admission stage itself.
- (4) The petitioner herein seeks a mandamus, to remove the alleged illegal construction made on the land which belongs to Hindu Undivided Family and regarding division of the property among the family members, a Partition Suit in OS.No.66/2023, is pending on the file of the Principal District Court at Thirupathur. Despite that, respondents 6 and 7 who are the members of the family and defendants in OS.No.66/2023, are proceeding with the construction of shops without obtaining the consent of the other members and without building plan approval. Therefore, the petitioner has given a representation to the official respondents to initiate action against the respondents 6 and 7 for removal of the unauthorised construction on the disputed land. The further contention of the petitioner is that to her representation dated 05.02.2026, seeking information under



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the Right to Information Act, 2005, to furnish the information as to whether the construction is done with the prior permission of the authorities, till date the authorities have not responded.

- (5) The learned Government Advocate on instructions, submitted that the lands in S.Nos.36/1A, 37/2B, 202/1, 202/4, 209/1B, 202/4E, 37/1A, 35/2A1, 202/2C, 202/4J, 203/9, 209/1C and 37/2C, stand in the names of different individuals and insofar as the lands in S.Nos.35/2A4 and 36/1C, the same stand in the name of the father of the writ petitioner, Mr.Periyathambi. In respect of the said property, a civil suit for partition, in OS.No.66/2023, is pending on the file of the Principal District Court, Tirupathur. On instructions, the learned Government Advocate further submitted that insofar as the construction in the said survey numbers, no application is pending for building plan approval.
- (6) Heard both sides and perused the materials placed on record.
- (7) In the given circumstances, we are of the view that since the title dispute is pending, it is for the petitioner herein to file an appropriate application before the Civil Court seeking interim relief of injunction and upon filing of such application for interim injunction, it is for the Civil Court to test the balance of convenience, *prima facie* case and irreparable loss, if any, to grant interim relief. While the right of the petitioner is now being subjudiced before the Civil Court, a direction to the authorities regarding the utilisation of the land by one party or the other, in exercise of Article



226 of the Constitution may not be appropriate.

(8) Hence, with the above direction, the writ petition is ***disposed of***. No costs. Consequently, the connected miscellaneous petition is closed.

(G.J.,J.) (N.M.,J.)
27-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Internet: Yes

AP

To

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**DR.G.JAYACHANDRAN J.
AND
N.MALA J.**

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